

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
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IN RE:

CASE NO.: 3:16-BK-01965-PMG

Proceedings under Chapter 13

CHRISTINE IRENE SCHULTE,

Debtor.

**APPELLANT'S STATEMENT OF ISSUES ON APPEAL  
AND DESIGNATION OF RECORD**

Appellant, **CHRISTINE IRENE SCHULTE**, by and through her undersigned counsel, hereby files this Statement of Issues on Appeal and Designation of Record and, in support thereof, state as follows:

**Statement of Issues on Appeal**

1. Did the Bankruptcy Court commit error when it denied Appellant's *Motion for Rehearing* (Doc. No. 158) and *Incorporated Memorandum of Law in Support as to Order Granting Bank of New York Mellon FKA the Bank of New York as Trustee's Motion for Determination That No Stay Is In Effect or in the Alternative, Amended Motion for Relief from Automatic Stay in Support of Final Judgment* (Doc. No. 160)?
  - a. Did the Bankruptcy Court exceed its authority in determining a state law substantive issue once it determined that the Property was not part of the Estate?
  - b. Did the Bankruptcy Court fail to apply applicable current Florida state law?
2. Did the Bankruptcy Court commit error when it denied Appellant's *Motion for an Order Enforcing the Automatic Stay and Sanctioning Bank of New York Mellon, Van Ness Law Firm, PLC, Neustein Law Group. P.A. and Septaria US, LLC* (Doc. No. 39)

**Appellant's Designation of Record on Appeal**

1. Voluntary Petition under Chapter 13 (Doc. No. 1).
2. Scheduled A-J and Summary of Assets (Doc. No. 13).
3. Objection to Motion for Relief from Automatic Stay (Doc. No. 28).
4. Motion for an Order Enforcing the Automatic Stay and Sanctioning Bank of New York Mellon, Van Ness Law Firm, PLC, Neustein Law Group. P.A. and Septaria US, LLC, (Doc. No. 39).
5. Amended Memorandum in Support of Debtor's Motion for for an Order Enforcing the Automatic Stay and Sanctioning Bank of New York Mellon, Van Ness Law Firm, PLC, Neustein Law Group. P.A. and Septaria US, LLC (Doc. No. 83).
6. (Debtor's) Proposed Exhibits for Hearing (Doc. No. 84).
7. Transcript of December 6, 2016 Hearing (Doc. No. 96).
8. Notice of Additional Authority in Support of Motion for an Order Enforcing the Automatic Stay and Sanctioning Bank of New York Mellon, Van Ness Law Firm, PLC, Neustein Law Group. P.A. and Septaria US, LLC; in Opposition of Motion for Determination that No Stay Is In Effect, or in the alternative, Amended Motion for Relief from Automatic Stay in Support of Final Judgment (Doc. No. 113).
9. Request for Judicial Notice (Doc. No. 126).
10. Agreed Order<sup>1</sup> between Debtor and Third Party. (Doc. No. 128).
11. Transcript of July 24, 2017 Hearing (Doc. No. 138).

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<sup>1</sup> The Official Court Online Docket incorrectly lists this as an Agreed Order for Determination that no stay is in effect and Motion for Sanctions. However, this Agreed Order was only between the Debtor and the Third Party Purchaser. *See* Order.

12. Order Granting Motion for Determination that No Stay is in Effect or in the Alternative, Amended Motion for Relief from Automatic Stay in Support of Final Judgment by The Bank of New York Mellon fka The Bank of New York as Trustee (Doc. No. 147).
13. Order Denying Debtor's Motion for an Order Enforcing the Automatic Stay and Sanctioning Bank of New York Mellon, Van Ness Law Firm, PLC, Neustein Law Group, P.A. and Septaria US, LLC (Doc. No. 148)
14. Debtor's Motion for Rehearing and Incorporated Memorandum of Law in Support as to Order Granting Bank of New York Mellon fka The Bank of New York as Trustee's Motion for Determination that No Stay Is In Effect or in the Alternative, Amended Motion for Relief From Automatic Stay in Support of Final Judgment (Doc. No. 158)
15. Order Denying Debtor's Motion for Rehearing (Doc. No. 160).

Respectfully submitted,

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**CHRISTINE IRENE SCHULTE**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Debtor's Motion to Set Aside Dismissal has been provided by first class U.S. Mail, electronic mail, or facsimile transmission this 18<sup>th</sup> day of **January, 2018** to the parties below:

/s/ Adam I. Skolnik  
ADAM I. SKOLNIK

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